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**VIA HAND DELIVERY TO ADDRESS
BELOW AND EMAIL (r5foia@epa.gov)**

August 7, 2015

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Blvd. (MI-9J)
Chicago, IL 60604-3590

**RE: FOIA Request: Merit Energy Company, LLC ("Merit Energy")
Merit Energy Kalkaska Gas Plant, Kalkaska, Michigan**

Dear Regional FOI Officer:

We request information under the Freedom of Information Act. As used in this request, the term "documents" means each and every writing, drawing, graph, chart, and photograph, including, but not limited to, writings documenting personal conversations and/or telephone conversations, meetings, letters, memoranda, emails, telegraphic and telex communications, transmittals of documents, and any documents concerning such writings, of which you or your agents or representatives have knowledge, in their entirety with all exhibits, attachments, appendices and schedules.

Subject to the limited exceptions specified below, we request copies of all documents relating to the Merit Energy Kalkaska Gas Plant, 1080 Prough Road SW, Kalkaska, Michigan, dating between June 1, 2011 and the date of production of documents by the EPA pursuant to this request, including all documents relating to the following at the Merit Energy Kalkaska Gas Plant:

1. Section 111 of the Clean Air Act ("CAA"), 42 U.S.C. § 7411, Title V of the CAA, 42 U.S.C. § 7661-7661(f), and any implementing regulations, including 40 C.F.R. Part 60, Subparts KKK, VV, and Appendix A, Method 21.

2. The Finding of Violation issued by the EPA Region 5 to Merit Energy dated January 9, 2013, except that you need not produce:
 - A. The Finding of Violation itself dated January 9, 2013 or Attachment A thereto;
 - B. Any pleadings filed in the civil action the EPA filed against Merit Energy in the United States District Court for the Western District of Michigan, Southern Division; or
 - C. The actual related Consent Decree itself or the appendices attached thereto.
3. Leak detection and repair activities required by any applicable equipment leak regulations set forth in 40 C.F.R. Part 60, Subparts KKK, VV, VVA, and OOOO or any state or local equipment leak regulations that require use of the test method found at 40 C.F.R. Part 60, Appendix A, Method 21 ("Method 21") to monitor for leaks and require the repair of leaks discovered through such monitoring ("LDAR").
4. Identification of process units, valves and other components that are subject to LDAR requirements, including changes thereto.
5. Identification of process units, valves and other components that are grandfathered and not subject to LDAR requirements.
6. LDAR audits or CAA inspections, including those performed by the EPA on June 28, 2011 and November 6 and 7, 2012.
7. The EPA's September 2011 Request for Information and all responses.
8. Site maps.
9. All communications relating to any of the above, including with any employees, attorneys, agents, consultants or other representatives of Merit Energy, including Jeffrey Schwarz or anyone else at Carver Schwarz McNab Kamper & Forbes, LLC ("CSMKF" f/k/a "CSMB"), James McGrath or anyone else at SSOE, Inc., and anyone at the Michigan Department of Environmental Quality, NTH Consultants, Ltd., BGL or EMSI, except that you need not produce:
 - A. A letter dated July 25, 2011 from Randy Sanders at Merit Energy to Bonnie Bush at the EPA re: Implementation of Leak Detection and Repair Requirements;
 - B. A letter dated September 27, 2011 from Randy Sanders at Merit Energy to Bonnie Bush at the EPA re: Timing of Responses of Merit Energy; or

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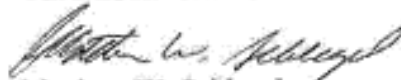
- C. A letter dated on or around January 9, 2013 from George Czerniak at the EPA to Sean Craven at Merit Energy enclosing the Finding of Violation.
- D. A letter dated August 1, 2013 from Jeffrey Schwarz at CSMKF to Janet Carlson, Esq. at the EPA re: Merit Energy *Confidential Settlement Communications*, or the attachments thereto;

This shall confirm that we will pay the applicable statutorily approved fees for production of the requested information up to a total of \$250. If the fee for this request should exceed that amount for any reason, please contact me via email or telephone per the information provided at the top of this letter request to expedite any further approval and production. Should you have any other questions regarding this request, please do not hesitate to contact me.

Thank you for your anticipated cooperation.

Respectfully,

CLARK HILL PLC


Matthew W. Schlegel

cc: Steven P. Ormond, Esq.

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